

**Missouri Court of Appeals
Western District**

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COMPLETE TITLE OF CASE

In Re: MICHAEL GANNON STEGGALL, a Minor

AMANDA J. BYRD,

Appellant,

v.

MICHAEL S. STEGGALL,

Respondent.

DOCKET NUMBER WD 70185

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 27, 2009

Appeal from

The Circuit Court of Andrew County, Missouri
The Honorable Michael J. Ordnung, Judge

Appellate Judges

Division Three: Thomas H. Newton, Chief Judge, and Mark D. Pfeiffer and Karen King Mitchell,
Judges

ATTORNEYS

Thomas R. Summers
St. Joseph, MO

Attorney for Appellant,

Jason C. Soper, St. Joseph, MO
Christina E. Gondring, Kansas City, MO

Attorneys for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

In	Re:	MICHAEL GANNON)	
		STEGGALL, a Minor)	
)	
		AMANDA J. BYRD,)	WD 70185
)	
		Appellant,)	OPINION FILED:
	v.)	October 27, 2009
)	
		MICHAEL S. STEGGALL,)	
)	
		Respondent.)	

Before Division Three Judges: Thomas H. Newton, Chief Judge, and Mark D. Pfeiffer and Karen King Mitchell, Judges

Amanda Byrd (Mother) appeals the trial court's judgment denying her motion to relocate her child's residence to Iowa. In her sole point on appeal, Mother claims that the trial court erred in denying her motion to relocate her child's residence to Iowa because the record at the evidentiary hearing establishes that relocation is in his best interest.

AFFIRMED.

Division Three holds:

In her motion, Mother sought to relocate Gannon's residence from St. Joseph, Missouri, to Bloomfield, Iowa, which is somewhere between 150 to 175 miles from St. Joseph. Because of this distance, the trial court had a reasonable basis for concluding that if it granted the motion, Father would no longer have weekday visitation with Gannon on Tuesdays and Thursdays. And, in fact, at the evidentiary hearing, Mother conceded that her new custody and visitation plan would restrict Father's visitation with Gannon to alternating weekends and holidays. The trial court had a reasonable basis for concluding that this was a substantial and meaningful reduction in the quantity and quality of Gannon's visitation time with Father. The trial court was also free to find that it was not in Gannon's best interest to spend less time with Father and Father's family. This alone was a sufficient reason for the trial court to deny Mother's motion to relocate.

Furthermore, although the trial court did not make an express finding on the issue, there was evidence in the record to support a finding that, under section 452.375.2(5), which requires the trial court to look at the child's adjustment to school, Gannon should not relocate to Iowa. Father's wife, an assistant principal in the St. Joseph School District, testified that, due to her employment, she was able to place Gannon in one of the best schools in the district. She also testified that Gannon's current school was superior to the school that Gannon would attend if he moved to Iowa. The trial court was free to believe this evidence. This testimony provided the trial court with an additional basis for concluding that Gannon should not relocate to Iowa and supports the trial court's judgment. Accordingly, we affirm the trial court's judgment denying Mother's motion to relocate Gannon's residence.

Opinion by: Mark D. Pfeiffer, Judge

October 27, 2009

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.